

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

ROY HOLMES; TINA ALEXANDER;
PATRICK NORRIS; and MELISSA
GARNER, Each Individually and on
Behalf of All Others Similarly Situated

PLAINTIFFS

v. No. 4:20-cv-191-DPM

STETSON COURIER, INC.,
and JOHN STETSON

DEFENDANTS

MICHAEL HAMES, JR.; MICHAEL
E. HAMES; and JAMES KENLEY,
Each Individually and on Behalf
of All Others Similarly Situated

PLAINTIFFS

v. No. 3:21-cv-218-DPM

STETSON COURIER, INC.,
and JOHN STETSON

DEFENDANTS

ORDER

1. Joint motion for a pretrial conference, *Doc. 84*, granted.
Please meet, confer, and submit a trial plan (joint or separate) by
14 November 2022. Pretrial set for 3:00 p.m. on 16 November 2022 in
Little Rock in Courtroom 1A.

2. Stetson's motion *in limine*, *Doc. 74*, is partly granted and
partly denied. Here are the Court's rulings:

- **Prior Work with All Care Pharmacy**

Partly granted and partly denied. Some context through the couriers' prior work with All Care Pharmacy would be illuminating and thus relevant. FED. R. EVID. 401. The danger, however, is too much context and not enough details about the couriers' work with Stetson. Those details must be the focus. The Court directs the couriers' lawyers to prune the context evidence to essentials.

- **Undisclosed Evidence of Damages**

Denied with directions. It's true that the couriers did not comply with Rule 26. But excluding the evidence of damages is too extreme of a sanction. The couriers say they have supplemented some of the damages calculations since Stetson filed its motion *in limine*. And the Court requested that the parties work together on any clean-up discovery before trial in its most recent Order. *Doc. 76 at 5*. The couriers must supplement any remaining damages calculations by 23 November 2022. Any damages evidence not provided by that date is excluded.

- **Hearsay**

Denied without prejudice. The Court will follow the Rules of Evidence about hearsay at the trial based on appropriate objections.

* * *

Trial plan (or plans) due by 14 November 2022. Expedited response to Stetson's motion for findings of fact and conclusions of law,

Doc. 82, due by 15 November 2022. Pretrial set for 3:00 p.m. on 16 November 2022.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

7 November 2022